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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,854	11/20/2003	Robert B. Steinert		6816

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ROBERT B. STEINERT
32 VILLAGE WAY
NORTH BRANCH, NJ 08876

EXAMINER

PATEL, TAJASH D

ART UNIT PAPER NUMBER

3765

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,854

Applicant(s)

STEINERT, ROBERT B.

Examiner

Tejash D. Patel

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 11, 19, and 21 is objected to because of the following informalities: In claims 11, 19 and 21 the separate sentences in the respective claims should be corrected by rewriting the claim in one sentence format. Correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, one line 8, "at least one pair of one-way valve" and in claim 2, lines 2 & 6, the recitation "at least one way valve" is indefinite since it is unclear whether these elements are the same or different structurally. Further, with regard to claim 46, the reference of a copending specification in claim language is indefinite and should be deleted since it does not properly limit the metes and bounds of the patent protection as desired. Correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 8-22, 25-39, 43-44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable as understood over Durney (US 3,699,589) in view of Avery et al. (US 6,948,191) Durney discloses a ventilated protective suit (10) including a body (12) constructed of impermeable material which protects and covers the wearer's body from micrometeoroid bombardment in space, col. 3, lines 1-5, that has at least one bellow operated by movement of the wearer's arm as shown in figure 2. Further, at least one-way valve/connector (20) draws oxygen into the suit and inherently into the bellows, col. 3, lines 12-35. Also, the suit has a full face shield (16) with loose flexible material in areas between the bellows that forms part of the body, to allow movement without affecting the bellows position as shown in figure 2. The bellows of the suit being fan shaped can expand and collapse in the areas of the arms, leg and knees as shown in figure 2. A pocket is positioned opposite the bellow when the joint is folded while allowing the ends of the arm to be open as illustrated in figure 2. However, Durney does not show the suit having air vents to allow air to pass between the interior and exterior of the suit.

Avery et al. (hereinafter Avery) discloses a suit (20) having air vents (40) that allows air to pass between the interior and exterior therefrom, col. 3, lines 43-66 and as shown in figure 2.

It would have been obvious to one skilled in the art at the time the invention was made to provide the suit of Durney with air vents as taught by Avery in order to keep the wearer comfortable when the device is worn or depending on the end use thereof.

With regard to claims 13 it would have been obvious that the garment of Durney when viewed with Avery can be includes bellows that are separate from the body of the garment and attached by any conventional means as known in the art. in order to make the suit cost effective or depending on the end use thereof. Furthermore, it is obvious that the bellows of Durney when viewed with Avery can take any desired form that is attached by conventional means to the suit in order to provide ease of movement or depending on the end use thereof.

5. Claims 4, 6, 7, 23, 24, 40-42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durney in view of Avery as applied to claim 1 above, and further in view of Okayasu (US 5,282,740). Durney discloses the invention as set forth above except for showing the valve having a filter.

Okayasu discloses a suit (12) including a valve (22) having a filter (21) attached thereto, col. 4, lines 25-26 by a flexible hose (150 as shown in figure 1.

It would have been obvious to one skilled in the art at the time the invention was made to provide the valve of Durney when viewed with Avery having a filter as taught by Okayasu, in

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order to prevent contaminants from entering the suit or depending on the end use thereof. Additionally, it would have been obvious that the valve having a filter on the suit of Durney when viewed with Avery and Okayasu can be replaceable in order to make the device cost effective while allowing worn filter to be easily replaced.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (571) 273-8300.



**TEJASH PATEL
PRIMARY EXAMINER**

December 8, 2005